IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE : G. BIKSHAPATHY

AND
THE HON'BLE MR JUSTICE : B.SESHASAYANA REDDY

WRIT APPEAL NO: 1738 of 2001

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 6.6.2001 in WP No. 27100 of 1996 on the file of the High Court.)

Between:

1. The President, T.T.D.Employees Cooperative Bank Ltd.,

TTD Administrative Buildings, Tirupati.

2. The Vice President, TTD Employees Cooperative Bank Ltd.,

TTD Administrative Buildings, Tirupati.

..... APPELLANTS

AND

1. The Executive Officer,

Tirumala Tirupati Devasthanam, Tirupathi.

(first respondent is not a necessary party since W.A.No. 1338/2001

filed by him was allowed and the W.P.No.27100/96 is dismissed

as against the Executive Officer)

2. The Deputy Registrar of Cooperative Societies,

Tirupati, Chittoor district.

3. A.Chandra Reddy

4. M.Muni Govindaiah

5. M.Madhusudana Reddy
6. M.Muni Reddy
7. S.S.Devaraj
8. M.Gunasekhar Reddy
9. A.Sadasiva Reddy
10. S.Lokanadham
11. P.Prasad
12. G.R.Babu
13. S.Samanappa Reddy
14. S.Ramakrishna
15. S.Nagaraju
16. B.Madhusudana Reddy
17. J.Dharani Babu
18. K.Gurumurthy

(Respondents 3 to 18 are employees TTD Employees Cooperative Bank Ltd., Tirupati and residents of Tirupati.

19. N.Mohan Rao

.....RESPONDENTS

Counsel for the Appellants : Mr. M.ADINARAYANA RAJU

Counsel for Respondent No.2 : G.P. FOR COOPERATION

Counsel for Respondents 3 to 18 : Mr.V.JAGAPATHI

Counsel for Respondent No.19 : Mr.M.SURENDER RAO

The Court made the following :

ORDER:

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The writ appeal is filed against the order of the learned single Judge passed in W.P.No. 27100 of 1996 dated 6.6.2001. The respondents 3 to 18 were appointed

by the Tirumala Tirupathi Devasthanam Employees' Co-operative Bank, who is the appellant before us. However, these appointments were directed to be cancelled by the Deputy Registrar of Co-operative Societies by his proceedings dated 12-12-1996. Consequently, when the termination orders were issued, the employees filed the writ petition challenging the orders of termination. However, when it was brought to the notice of the employees that the termination order was passed subsequent to the directions issued by the Deputy Registrar, dated 12-12-1996, they filed an application seeking amendment of the prayer, making challenges to the direction dated 12-12-1996. The learned single Judge went into the aspects whether the orders issued by the Deputy Registrar are correct and held that they were not in conformity with the directions issued by the Registrar of the Co-operative Societies in this regard in the year1992 and, therefore, the learned single Judge allowed the writ petition and set side the orders of termination effected by the appellant bank. Against the said orders, the present writ appeal has been filed by the Co-operative Bank.

2. The learned counsel appearing for the appellant bank submits that the order of the learned single Judge is wholly erroneous and runs contrary to the Full Bench judgment of this Court in **KONASEEMA COOPERATIVE CENTRAL BANK LTD. v. N.SEETHARAMA RAJU**. He further submits that when the writ petition was filed against the co-operative society, the question of granting relief or interfering with the orders passed by the co-operative society in terminating the services of the employees would not arise and therefore, the entire order is liable to be set aside. He contends that even though the amendment petition was filed, it was only ordered on 12.7.2001 after the order passed by the learned single Judge on 6.6.2001 and, therefore, there is any amount of confusion in the order passed by the learned single Judge, and hence, the same is liable to be set aside.

3. On the other hand, the learned counsel for the respondents-employees submits that the learned single Judge has gone into the validity of the directions issued by the Deputy Registrar of Co-operative Societies and found that they did not conform to the orders already passed by the Registrar of Cooperative Societies on 9.3.1992 and, therefore, set aside the order and consequential orders of the termination. In such an event, it cannot be said that the writ petition is not maintainable and submits that the writ appeal is liable to be dismissed.

4. We have given our serious consideration to the matter. The issue that arises for

consideration is whether the directions issued by the Deputy Registrar dated 12.12.1996, which culminated in the termination of services of the employees, are valid? The learned single Judge did not go into the validity of the termination orders passed by the Co-operative Society, but sought to scrutinize the directions issued by the Deputy Registrar who passed the order without considering the directions issued by the Registrar in 1992, and consequently set aside the orders of termination. In such a situation, we are not inclined to go into the aspect whether the writ petition itself is not maintainable. When a direction is issued by the authority and such direction has the effect of terminating the services of the employees, validity of the same can be gone into by this Court under Article 226 of the Constitution of India. But however, any order passed by the society without there being any direction from the authorities would not be adjudicated in a petition under Article 226 of the Constitution of India in view of the Full Bench decision of this Court in KONASEEMA COOPERATIVE CENTRAL BANK LTD. v. N.SEETHARAMA RAJU (supra).

5. Therefore, we do not find any illegality in the order passed by the learned single Judge in holding that the directions issued by the Deputy Registrar dated 12.12.1996 are not sustainable.

6. Admittedly, as seen from the material referred to by the learned single Judge, the Registrar of Co-operative Societies as early as on 9.3.1992 vide his proceedings Roc.No.4304/92/Ecc/Cocs has sanctioned twelve (12) posts for recruitment by the society and thereafter he has also sanctioned ten (10) backlog posts. In all, twenty-two (22) posts were available for recruitment by the society. Under those circumstances, the order passed by the Deputy Registrar, contrary to the directions given by the Registrar of Co-operative Societies cannot be said to be valid. Therefore, we do not find any infirmity in the order of the learned single Judge. But the question that falls for consideration is whether the employees are to be reinstated straightaway in view of the orders passed by the learned single Judge. We find that even though the Registrar of the Co-operative Societies appears to have sanctioned total twenty-two (22) posts including backlog posts, but it is not understood whether the recruitment made by the Society is in conformity with the guidelines issued by the Registrar of Cooperative Societies in filling up such posts keeping in view the reservation policy, roster etc. Therefore, for this purpose, it is necessary that the Registrar of Cooperative Societies shall cause an enquiry into

the availability of the posts vis-à-vis the recruitment made by the society and if the Registrar of Cooperative Societies finds that the recruitment made by the society is in conformity with the directions issued by him with regard to filling up of vacancies, such of those appointments which are in conformity shall not be disturbed. But however, if the Registrar finds that the appointments made by the society do not confirm to the guidelines issued by him on 9.3.1992 or subsequent dates, the same shall be cancelled to that extent. The Registrar shall cause an enquiry and pass appropriate orders within a period of four months from the date of receipt of a copy of this order.

The writ appeal, with the above observations and directions is disposed of. No costs.

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G.BIKSHAPATHY, J

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B.SESHASAYANA REDDY, J

Dated: 15th July 2004.

NOTE: ISSUE C.C. IN (3) DAYS

B/O

DA/TSY

To

1. The Registrar of Cooperative Societies, Andhra Pradesh,

Hyderabad.

2. The Deputy Registrar of Cooperative Societies, Tirupati, Chittoor district.

3. The President, T.T.D.Employees Cooperative Bank Ltd.,

TTD Administrative Buildings, Tirupati.

4. The Vice President, TTD Employees Cooperative Bank Ltd.,

TTD Administrative Buildings, Tirupati.

5. Two CCs to the G.P. for Cooperation, High Court, Hyderabad.

6. Two CD copies.